

**June 20, 2006**

**Town of Lincoln – Planning Board  
100 Old River Road  
Lincoln, RI 02865**

**Dear Honorable Members,**

**On June 19, 2006 at 2:00 pm, the Technical Review Committee met to review the agenda items for the June 28, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim Wiegand, John MacQueen, and Diane Hopkins. Below are the Committee's recommendations:**

**Major Subdivision Review**

**a. Sables Road Subdivision – Phase 1 AP 44 Lot 33 Public Hearing – 7:15 PM**

**- Leslie W. Sables Angell and Whipple Road Preliminary Plan  
Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and**

one new cul-de-sac. Phase two presents the development of 8 single-family residential lots. On April 26, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Phase one of the Preliminary Plan must be made by August 24, 2006 or within such further time as may be consented to by the applicant. This project is before the Board for a Public Hearing. Below is a recap of last month's TRC recommendations on this project.

The Technical Review Committee and the Engineering Division have reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 21 sheets entitled "Preliminary Plan Submission for Phase I, Sables Road Subdivision", Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated May 5, 2006. Additional material received includes a report entitled "Stormwater Management Analysis" revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed.

## **Wetlands**

**The proposed subdivision requires an approval from Department of Environmental Management (RIDEM) Wetlands. The Town sent a letter in December 2005 to RIDEM Wetlands notifying them that the developer has the authorization from the Town to include improvements to East Lantern Road and Lantern Road in Lincoln as a part of their application. According to the applicant's consultant, the permit application is pending. A RIDEM Wetlands permit that includes both Phases 1 and 2 is required as a condition of approval.**

## **Drainage**

**There are existing drainage problems and seasonal high groundwater in the area of the project. The Town has reviewed the drainage report for the proposed development. The two detention basins and the drainage collection system have been sized and located so as to mitigate storm water flow from the site. Phase 2 must show the swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their deeds.**

## **Groundwater**

**Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. The Town Engineer did not witness the excavations; however, the engineer submitted information from a certified soil evaluator for test pits in the locations of the two proposed detention**

basins and other locations. The bottom of the two detention basins appears to be set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

### **Sanitary Sewers**

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The TRC and the Town have reviewed this option and consider this arrangement to be acceptable. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the Department of Public Works. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association and accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Department of Public Works, the applicant and his attorney, as a part of mitigating the impact to the existing area's collection system. This item is included in Phase 1. Preliminary approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

### **Public Water Service**

**The developer stated that he has negotiated an acceptable waterline design with the Lincoln Water Commission (LWC). The homeowners association will be responsible for the water lines within the development. The Town has not yet received any written approval for the project from the LWC. A written approval from the LWC is required as a condition of approval.**

### **Cemetery**

**It appears that only filling, not excavating is proposed within 25 feet of the existing cemetery. The owner of the cemetery should be determined, if possible, or easements associated with it. Access to the cemetery has been provided from the proposed cul de sac.**

### **Traffic**

**Phase 2 must show the off site road improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road, as specified in the master plan approval. The easement must describe the property owners' and the Town's responsibilities.**

### **Site Design/Plan**

**Two of the lots have less than the minimum buildable area due to zoning setbacks, wetlands and/or easements. These are the following:**

- Lot 6 does not appear to have a sufficient building envelop to**

**construct a house. The setbacks shown are incorrect. This lot cannot be approved as drawn.**

- Lot 10 contains less than 40,000 square feet of buildable area, as defined in the Subdivision Regulations. This lot is not approved in its present configuration as a part of Phase 2.**

**Many of the concerns presented above have been addressed by the applicant. The TRC feels that the applicant should incorporate any further concerns the public and the Board may have about this project and return next month for review during the next regularly scheduled Planning Board meeting in August.**

**b. Marcoux / Gilmore Subdivision AP 15 Lot 47 Public Hearing - 7:45 PM**

**- Kevin Marcoux Reservoir Avenue Preliminary Plan Discussion /**

### **Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for one subdivision regulation waiver of the 2 ½ : 1 lot to width ratio. On April 25, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of**

completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by August 23, 2006 or within such further time as may be consented to by the applicant. During the May 24, 2006 Planning Board meeting, the Board voted to elevate this project to the preliminary plan stage. This project is before the Board for a Public Hearing. Below is a recap of last month's TRC recommendations on this project.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Preliminary Plan" and "Record Plan" AP 15 Lot 47, Reservoir Avenue in Lincoln, Rhode Island, prepared for Kevin Marcoux by Marsh Surveying Inc., dated April 20, 2006. Other information received included a photograph of the driveway opening and notification of sewer availability from the sewer supervisor.

### **Wetlands/ Drainage**

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. The drainage on Reservoir Avenue has existing problems. In order to prevent any adverse impact to the existing properties and the road, the

**Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the manufacturer's installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.**

### **Erosion controls**

**Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.**

### **Utilities**

**The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). Per a telephone conversation with LWC staff, the plan for water service was initially not approved, however, the applicant will be submitting a new plan. The applicant must obtain approval for the new service as a condition**

of this subdivision.

### **Subdivision Waiver**

As noted above, the proposed subdivision would require a waiver of the subdivision regulation of the 2 ½ : 1 lot to width ratio. The TRC reviewed this request and determined that the request is due to existing physical constraints of the lot. Currently, the lot contains a large amount of ledge within the front portion of the site. The application contains a photograph of the existing ledge outcropping. The proposed design represents a realistic solution to this constraint.

The applicant could eliminate the waiver but significant ledge would have to be removed and the existing driveway would have to be reconfigured. The TRC feels that the proposed design and requested waiver is realistic and represents good land development. Therefore, the TRC recommends that the waiver be approved.

### **Record plan**

Granite bounds must be shown on the final plan marking the location of the new property corners. The issue of the abutter's fence located on the property must be resolved by the owner.

Based on the above noted minor concerns, the TRC feels that the application fulfills the requirements of a preliminary plan submission.

If there are no significant changes or concerns brought out at the public hearing, the TRC recommends Approval with Conditions for this project. The TRC also recommends that the final plan be

**delegated to the administrative officer.**

**c. JCM Estates AP 26 Lot 2 Master Plan**

**- JCM, LLC Jenckes Hill Road Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by September 8, 2006 or within such further time as may be consented to by the applicant.**

**The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Master Plan Submission for JCM Estates Major Subdivision," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005, revision date 6/9/06.**

Other information previously received included a letter from the Lincoln Water Commission dated May 5, 2004, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005. In addition, the applicant had previously submitted an “Environmental and Community Impact Report” prepared by the above engineer dated December 2005 for the above project.

### **Wetlands**

Natural Resource Services, Inc. performed a wetlands delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the subdivision approval. This condition is consistently required for a majority of Planning Board applications.

### **Drainage**

Storm water runoff from the Jenckes Hill Road flows into a low point in front of and onto the subject property. A headwall is proposed to channel flow into an existing culvert that crosses Jenckes Hill Road within the state highway ROW. This would need to be approved as a part of the RIDOT Physical Alteration Permit. This culvert connects to existing storm drains in Stoneybridge Drive. The discharge from

**these storm drains ultimately flows to a detention basin in the Rollingwood subdivision. Due to high groundwater infiltration and groundwater discharges, increasing flow to this system is not acceptable.**

**Per the Town ordinance, a sedimentation and erosion control plan, also known as a storm water pollution prevention plan is required. Although there may be no direct discharge to wetlands, there would be discharge to waters of the state through the existing drainage system which would trigger a RI Pollution Discharge Elimination Permit for construction activity from RIDEM.**

**The drainage has been revised in this plan. There are no proposed drainage structures at the end of the proposed cul de sac. Previously, drainage was directed towards an abutter's property. No proposed grades on road are shown; however, catch basins are located on the proposed road, adjacent to the state highway. These plans do not appear to propose water quality or quantity mitigation for the increased surface water runoff from the proposed development.**

**Based on the above, these plans are not consistent with the purposes and/or findings required in Section 5 of the subdivision regulations. The following standards have not been met:**

- (3) “There shall be no significant negative environmental impacts from the proposed development...”,**
- (7) “Each subdivision shall provide for ... adequate surface water runoff” and**
- (8) “The design and location of streets, buildings lots, utilities,**

**drainage improvement and other improvements shall minimize flooding and soil erosion.”**

## **Utilities**

**The new lot is shown to be connected to public water and sewers. No documentation of availability for these utilities has been submitted to the Engineering Division. The “Environmental and Community Impact Report” (report) incorrectly stated that “the Town of Lincoln Public Water Supply” will service the additional subdivision lot. This was incorrect; the public water supply is the Lincoln Water Commission. While the existing lot is presently serviced by public water, service to an additional lot has not been obtained. The applicant received a letter stating that water is available from the Lincoln Water Commission. However, the letter is two years old. Approvals for water service are good for only one year. In addition, according to the letter, the service was not indicated, so no proposed water system could be approved.**

**The Lincoln’s sewer supervisor conveyed to the Engineering Division in 2004 that sewer service was available to AP 26 Lot 2. This notification did not indicate that any system of connection had been approved, or that any additional connections had been approved. The developer must obtain a permit from Narragansett Bay Commission for the sewer discharge.**

## **Traffic/Proposed Road**

**Jenckes Hill Road is a State road and requires a Physical Alteration**

Permit from RIDOT for any new access or new land use. A permit must be obtained as a condition of this subdivision. The proposed road has been revised to conform to the standard thirty foot wide road with granite curbs, as required by the regulations. The regulations require sidewalks. None are shown. The applicant is requesting a waiver of this standard. The TRC considered this waiver. The applicant does not present any reason as to the need for this waiver. The Planning Board has consistently reviewed and assessed the requirement for sidewalks for all applications involving new roads. This waiver has been granted in the past as well as denied. The TRC defers to the Planning Board as to granting this waiver.

#### **Site plan and design**

Due to the known seasonal high groundwater in this area, a condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permits. A note on the plans indicates that this condition will be met. This must be required as a condition of the subdivision approval. This condition is consistently required for a majority of Planning Board applications. The driveway for the original house has been revised to be eliminated and the existing shed removed. A breezeway is proposed to be removed to meet zoning regulations.

## **Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations**

**The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).**

**Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes**

**number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).**

- **Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.**

- **Purpose (3) - Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment - The project does not “promote the protection of the existing and natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment” and does not “provide for adequate surface water runoff”. The drainage is concentrated to a point source that is directed towards an abutters back lawn where a pool and shed are located. The cross culvert is not located to carry existing storm water flow from Jenckes Hill Road to the existing headwall.**

- **Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure - The project does not “encourage local design and**

improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is an area where the Town “seeks ways to use less land” for development.

- Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.

The Lincoln Comprehensive Plan states that the Lincoln Land Development and Subdivision Regulations (the Regulations) must be followed. In the Regulations, Section 1 relates the purposes for the regulations. Specifically the following purpose is not positively addressed:

- The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.

Following the above noted analysis of the proposed project, the

**Technical Review Committee finds that it would be extremely difficult for the applicant to successfully address all or even most of the presented concerns. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.**

### **Comprehensive Permit**

#### **a. Manville Crossing AP 37 Lot 73 Comprehensive Permit**

**- Jerry Sahagian Central and Spring Street Discussion / Approval**

**Below is a recap of the Technical Review Committee's recommendations for this project. This application was placed on the agenda for this meeting to give the Planning Board the option to discuss and/or vote on the project.**

**This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53".**

**This application represents the subdivision of one lot into three lots. The current parcel contains three buildings and associated parking. Each building contains three dwelling units for a total of nine dwelling units. The buildings, parking and public infrastructure are all**

existing. This proposal entails subdividing the property into three lots thereby permitting greater latitude in the usage and marketability of the separate properties. The present configuration renders rehabilitation and homeownership difficult considering financial institutions treat properties such as this one as commercial apartment complexes unlike triplexes that are defined as residential dwelling units.

In order to accomplish the above subdivision, numerous subdivision waivers and zoning relief would be required. Therefore, the property owner is proposing a Comprehensive Permit with the establishment of three affordable housing units – one unit per building. While Comprehensive Permits have been controversial in the past, this unique proposal represents the conversion of already existing buildings and infrastructure. No new construction is proposed. Any community services are presently being furnished by the Town to the residents of the complex.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission

**includes a plan entitled “Preliminary – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated December 5, 2005” and narrative report by Edward Pimentel, AICP entitled, “Comprehensive Permit Application – Three-Lot Minor Subdivision Application – Existing 9 units – Three-Units per Lot, Respectively – Intersection of Central Street and Spring Street, Lincoln RI Assessor’s Plat 37, Lot 73”**

**The TRC reviewed this application in light of the Town’s Affordable Housing Production Plan. As outlined in this plan, the town has several tools it can use to encourage the establishment of affordable housing. One such tool is Comprehensive Permits. Comprehensive permitting has been controversial in the Town of Lincoln. Before the moratorium on comprehensive permit applications by for-profit developers was passed by the state legislature, developers had used the comprehensive permit process to propose large developments with 100% density increases and 20% affordable housing. However, depending on the situation and how it is used, comprehensive permitting can be an asset and useful tool for a municipality. There are a number of examples of affordable housing developments throughout the State that have utilized the comprehensive permit process in a way that is beneficial to both the developer and the town. Comprehensive permitting provides flexibility and allows a Town to negotiate with developers to reach an agreement acceptable to both parties. The Town can offer a limited density increase or other incentives, such as relief from zoning or subdivision regulations such**

as parking, set back requirements, and curbing, in exchange for a percentage of the development being set aside for affordable housing. The Town may designate certain areas as suitable for affordable housing developments, in a density greater than that allowed by current zoning. Even if a developer is not seeking relief, comprehensive permitting offers an expedited review process that can save a developer time and money in reduced holding costs, interest, and taxes in exchange for a percentage of affordable units being built within the project.

The Lincoln Town Council has passed an ordinance specifying procedures for applying for a comprehensive permit. This ordinance establishes a Certificate of Completeness process, which lists the items to be included in a comprehensive permit application. On May 2, 2006, the application received a Certificate of Completion. RI General Law does not specify a timeframe for review and approval of Comprehensive Permits. The TRC recommends that this and future Comprehensive Permits follow the review process for Preliminary Plan stage subdivisions and also be presented to the Zoning Board for an advisory opinion.

Based on the TRC review of this submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

**Wetlands/ Drainage** - No new construction is proposed. This project represents existing buildings and public infrastructure.

**Erosion controls - No new construction is proposed. This project represents existing buildings and public infrastructure.**

**Utilities - No new construction is proposed. This project represents existing buildings and public infrastructure.**

**Record plan - Based on a site visit and the submitted site plan, two mature maple trees will have to be removed to accommodate the proposed parking. The TRC recommends that three new trees be planted on the site in order to replace the existing trees. The TRC recommends that the title of the plans be changed to read “Comprehensive Permit – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated \_\_\_\_\_”. The TRC recommends that a final site plan be developed showing the proposed parking area, trees and locations of all existing public infrastructure and a final record plan with only the proposed property lines.**

**Zoning Board Review – During their regularly scheduled meeting on June 6, 2006, the Zoning Board discussed this project and voted to send the attached positive recommendation to the Planning Board. The Zoning Board weighed the impacts of the requested dimensional waivers against the stated need for additional housing for low and moderate income families and individuals. It is the Board’s opinion that the local concerns, if any, as a result of the granting of the**

**waivers, would be outweighed by the need to provide low and moderate income housing. Based upon all the evidence presented to the Zoning Board and the findings of fact, the Board unanimously recommended to the Planning Board to grant the waivers from the Zoning Ordinance requested by the applicant and approve the pending Comprehensive Permit application.**

**Based on the above review of this project, the TRC recommends Approval with Conditions of this Comprehensive Permit. The TRC feels that this project successfully meets all of the requirements of RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”.**

**b. Albion Place AP 32 Lot 44 Comprehensive Permit Review,  
- Albion Place LLC Main Street Discussion / Approval**

**This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI**

**General Law 45-53”.**

**This application represents the development of an additional six (6) dwelling units, two (2) of which are proposed to be established as affordable dwelling units. The proposed units will be added to the existing fifteen (15) unit condominium structure on three floor levels with associated off street parking. The proposed project will meet all existing dimensional and parking requirements. The present zoning district of BL-0.5 (Business Limited) however does not permit multi family residential uses either by right or by special use permit. If the applicant applied for relief of this requirement under the existing zoning regulations, a use variance would be required in order to develop this project.**

**On June 19, 2006, the application received a Certificate of Completion. According to RI General Law 45-53-4 Section IV, the local review board shall hold a public hearing on the master plan and shall, within one hundred and twenty (120) days of the issuance of the certificate of completeness, or within such further amount of time as may be agreed to by the local review board and the applicant, render a decision. Therefore, the Planning Board shall render a decision by October 17, 2006.**

**The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in**

**Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of five sheets entitled “Albion Place Condominium”, AP 32 Lot 44, Lincoln, Rhode Island, prepared for the applicant, Albion Place LLC, by Waterman Engineering Co., dated June 2006. Included as well in the submission is a Drainage Report prepared by the above consultants for the applicant, dated June 2006 and a Traffic Safety Assessment prepared by RAB Professional Engineers, Inc. dated June 12, 2006 for Waterman Engineering. Based on the TRC review of the submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.**

### **Utilities**

**The existing building is currently supplied with public water. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that additional water service is available. The LWC’s approval must be a condition of approval for development. The Albion Fire Department must approve the development plan for fire suppression.**

**The existing building is currently connected to public sewers. The applicant must also request positive availability of public sewers from**

the Town of Lincoln Sewer Division. The applicant is required to apply to Narragansett Bay Commission for approval of the additional sanitary sewer discharge. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.

### **Drainage**

All proposed new development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. Although this mitigation is mentioned in the drainage report, no calculations were given and no structures were shown on the plans. The applicant will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system on the site.

### **Traffic**

The Traffic Safety Assessment analyzed sight distance, traffic volumes and road safety. The assessment states that requirements for sight distance are met in both directions from the access to the property. According to the assessment, the traffic volume differential is insignificant. There did not appear to be any major road alignment

conditions impairing road safety. However, the variable road width in the area of the project is a concern. The TRC recommends eliminating some of the asphalt to make a consistent edge in front of the property. Also, the TRC recommends that in order to better define and stabilize the entrance to the property, curbing should be installed on the radius and/or along some of the frontage. Alternatively, just the radius could be curbed and the shoulder/ pavement edge stabilized with riprap.

## **Site Plan**

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The property has existing vegetative screening along Main Street which helps reduce the visual impact of the existing building. The TRC recommends that additional under story planting be added to the existing screening to further reduce the visual impact of the building.

The project proposes to add parallel parking along the northern side of the parcel. This area is next to a steep slope. The TRC recommends that a wooden guard rail be installed along the property line in order to prevent cars from traveling down the sloped area.

Based on the above review of this project, the TRC feels that this project successfully meets all of the requirements of RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance

**entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”. The TRC recommends that the application be submitted to the Zoning Board for an advisory recommendation. The TRC recommends that the application go forward to a public hearing.**

### **Major Land Development Review**

**a. Lincoln Ridge Business Park AP 41 Lot 58 Preliminary Land  
- Polseno Properties Management, LLC George Washington  
Highway Development Plan**

#### **Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing approximately 15 acres. This project is in front of the Planning Board for a Preliminary Plan Land Development Review. On June 19, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by October 17, 2006 or**

**within such further time as may be consented to by the applicant.**

**The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan requirements and standard engineering practices. The plans reviewed were entitled “Preliminary Design Plans- Phase I Lincoln Ridge Business Park, AP 41 Lot 58”, Lincoln, Rhode Island, sheets 1-8, prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated November 2005 and revised on March 2006 and April 2006. Additional information received includes:**

- 1. “Traffic Impact Study, Route 116 Commercial Development, prepared for Thalmann Engineering Co., Inc., prepared by RAB Professional Engineers, Inc. November 2005,**
- 2. Drainage Report & Calculations, Lincoln Ridge Business Park, George Washington Highway, AP 41 Lot 58, Lincoln prepared for Polseno Properties Management, LLC by Thalmann Engineering Co., Inc., dated December 8, 2005,**
- 3. Lincoln Ridge Business Park- Phase I, Major Land Development, George Washington Highway AP 41 Lot 58, Master Plan-Development Impact Narrative, dated December 8, 2005**

**Based on the submitted documents and plans, the TRC has two minor concerns. Below are the concerns.**

**The application was reviewed by the Technical Review Committee and the Planning Board during the Master Plan stage and it was determined that public water would be available from the Town of**

**Smithfield. The applicant has verbally assured the Town of Lincoln that the Lincoln Water Commission and the Smithfield Water Commission have approved the applicant's connection plans from Smithfield. The TRC would require a written acknowledgement of this agreement as a condition of Preliminary Plan approval.**

**The applicant has also verbally assured the Town that the Albion Fire District has signed off on the site plans and building plans. This would have to be documented as a condition of approval.**

**Based on the above review of this project, the TRC feels that this project successfully meets all of the requirements of the Town's Subdivision Regulations. The TRC recommends that the application move forward to a public hearing.**

**b. Nafta Mill AP 34 Lot 14 Final Land**

**- A. F. Homes Old River Road Discussion/Approval**

**This application is under the 2005 Subdivision Regulations and represents the residential development of up to 41 condominium units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.**

**On October 26, 2005, the project received Preliminary Plan approval with conditions.**

**The Conditions are as follows:**

- 1. The RIDEM Settlement Agreement and work plan must be approved by RIDEM and submitted to the Town for review as a condition of preliminary plan approval. No construction can be allowed until the work plan is approved.**
- 2. The project will require a Physical Alteration Permit from RIDOT for access to the property.**
- 3. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval.**
- 4. The project will require a RIDEM wetlands permit as a condition of approval.**
- 5. The developer is required to provide an independent professional engineer to oversee the installation of the URS systems for this project. Special attention must be given to the review and approval of the geotech fabric before installation.**

**To date, the applicant has successfully supplied the Town with the Physical Alteration Permit from RIDOT for access to the property, the Narragansett Bay Commission permit for the project, and an approved RIDEM wetlands permit. The applicant has expressed to the Town and to the Planning Board that they will supply an independent professional engineer to oversee the installation of the URS systems for this project. The Town is still waiting for a RIDEM approval letter for the proposed DEM Settlement Agreement and work plan. Therefore, the TRC recommends that no action be taken at this time.**

## **Zoning Applications (\*) - July Zoning Applications**

**Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Use Variance for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI.**

**AP 37, Lot 198 Zoned: RG 7**

**Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the installation, operation and maintenance of a wireless communications facility on the property. The applicant is proposing to install color and texture coordinated telecommunication antennas onto the church steeple. The antennas measure approximately 4” deep by 12” wide by 72” long. The applicant proposed to install three antennas to the steeple. All other equipment will be located within the existing church facility. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the Article 11.A.7.14. The TRC feels that the telecommunication installation will not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive**

**Plan.**

**Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Dimensional Variance for front and rear yard setback and height relief for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI. –**

**AP 37, Lot 198 Zoned: RG 7**

**The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing building was platted and developed before present day zoning regulations. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**Valerie Girouard/Edward Diquinzio, 13 Hillside Avenue, Lincoln, RI – Dimensional Variance for rear yard setback.**

**AP 3, Lot 118 Zoned: R 9**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee**

**feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.**

**Judith Hughes, 8 Lantern Brook Road, Lincoln, RI – Dimensional Variance for rear yard setback for the construction of an addition.**

**AP 26, Lot 269 Zoned: RA 40**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the side of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general**

**character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.**

**Respectfully submitted,**

**Albert V. Ranaldi, Jr. AICP**

**Administrative Officer to the Planning Board**